

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

Case No. 00-6023 CIV-Hurley
Magistrate Lynch

R/S ASSOCIATES, A FLORIDA LIMITED
PARTNERSHIP, AND DAN SHOOSTER,

Plaintiffs/Counterdefendants

**DEFENDANTS' RESPONSE TO
ORDER TO SHOW CAUSE**

vs.

BOB YARI, AND FORUM ARLINGTON
PROPERTIES, LTD.,
Defendants/Counterplaintiffs

By their undersigned attorneys, Defendants, Bob Yari ("Yari") and Forum Arlington Properties, Ltd. ("Forum"), collectively referred to as "Defendants," respond to the Court's July 10, 2000 Order to Show Cause as follows:

By Order dated July 10, 2000, the Court ordered Defendants to show cause why Plaintiffs' Verified Motion for Temporary Injunctive Relief should not be granted owing to the Defendants' failure to file a memorandum in opposition to it. The Defendants do not believe that the Plaintiffs have been irreparably harmed by the Defendants' conduct, and the Defendants could have contested the Motion on that basis. However, during the course of this litigation, Defendants have become convinced that the Defendants no longer have a right to use the trademarks referenced in paragraph 34A Plaintiffs' Amended Complaint. Thus, rather than contest Plaintiffs' Motion, Defendants offered to enter into an agreed order on it.

Undersigned counsel has orally proposed terms for such an order, which the Plaintiffs' counsel, Keith Goldbaum, who is out of town, orally has accepted. Upon information and belief, Plaintiffs' counsel will return to his office on July 21, 2000. Undersigned counsel has also transmitted a draft agreed order to the office of Plaintiffs' counsel. An agreed order on the Motion, memorializing the terms on which the parties through their counsel orally have agreed, will be presented to the Court as soon as counsel for Plaintiffs returns to the jurisdiction and has the opportunity to review and comment on the draft order.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing instrument has been furnished by U.S. mail to Keith A. Goldbaum, Esquire, Friedman, Rosenwasser & Goldbaum, P.A., 5355 Town Center Road, Suite 801, Boca Raton, Florida 33486, this 20th day of July, 2000.

Respectfully submitted,

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